



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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CERTIFIED MAIL - FIRST CLASS MAIL  
RETURN RECEIPT REQUESTED

MAY 21 2012

8P-HW  
Boris Krizek  
Supervisor, Environmental Affairs  
Publicly Owned Treatment Works (POTW)  
City of Billings  
Billings, MT 59101

RE: Determination: The POTW for the City Of Billings  
Montana is Acceptable for the Receipt of CERCLA  
Wastes

Dear Mr. Krizek:

This letter is in response to your e-mail of May 3, 2012, in which you requested an Off-Site Rule (OSR) acceptability determination for the Publicly Owned Treatment Works (POTW) as owned and operated by the City of Billings, Montana. As you may be aware, EPA promulgated the OSR to assure that wastes from sites being cleaned up under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) are sent to treatment, storage and disposal facilities that are environmentally sound, thereby preventing those wastes from contributing to present or future environmental problems.

EPA has completed its evaluation of the POTW facility located at 2224 Montana Avenue, Billings, Montana 59101, in accordance with the CERCLA OSR. EPA finds the POTW for the City of Billings acceptable pursuant to the CERCLA OSR which is codified at 40 CFR 300.440. This determination was based information from the Montana Department of Health (MDEQ) and the EPA Region 8 Enforcement Program. The MDEQ information was provided in an email dated May 9, 2012, from Ms. Kari S. Smith, the Supervisor for the Compliance and Technical Support Section of the Water Protection Bureau for the MDEQ. In that email message, Ms. Smith provided facility specific information for the two criteria that EPA uses as the basis to determine acceptability: relevant violations and uncontrolled releases. Ms. Smith's email reported that there are no pending violations against the Billings POTW facility and this email also reported that there are no indications of a groundwater release. The Region 8 Enforcement Program found the City of Billings to have successfully complied with the EPA issued Administrative Order (CWA 309A) noted that the City of Billings is currently in compliance with the AO.

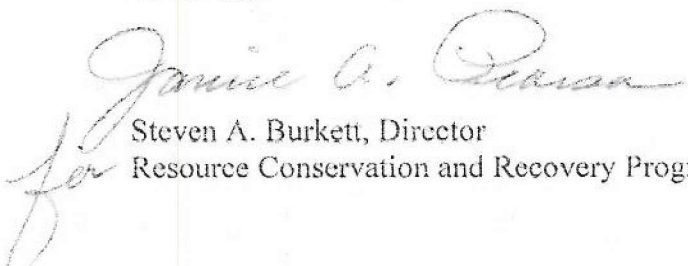
Please also note that the CERCLA Off-site Rule Acceptability status for a facility is subject to change based on future findings of noncompliance and/or releases to the environment.



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For your convenience, I have enclosed a copy of the OSR with the preamble as it appeared in the Federal Register. The rule without the preamble can be found in the Code of Federal Regulations at 40 CFR 300.440. If you have any questions regarding this letter or the CERCLA Off-Site Rule, please contact Terry Brown, Off-Site Rule Coordinator for EPA-Region 8, at (303) 312-6419.

Sincerely,

  
for Steven A. Burkett, Director  
Resource Conservation and Recovery Program

Enclosure

Cc: Kari S. Smith, Supervisor, Compliance and Technical Support Section for the  
Water Protection Bureau

Rosemary Rowe 8MO